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July 1, 2010

Corbin Davis  
Clerk of the Court  
Michigan Supreme Court  
P.O. Box 30052  
Lansing, MI 48909

**RE: ADM File No. 2010-08  
Proposal to Rescind Administrative Order No. 2003-7 and Adopt  
Administrative Order No. 2010-X (Caseflow Management Guidelines)**

Dear Clerk Davis:

At its June 12, 2010 meeting, the State Bar of Michigan's Board of Commissioners considered the above proposed Administrative Order. The State Bar appreciates that the proposal is a reflection of a long process undertaken by the State Court Administrative Office to thoroughly review the caseflow management guidelines. The State Bar is grateful to have had the opportunity to participate last year in several focus group discussions.

The Board of Commissioners voted unanimously to support rescission of current Administrative Order 2003-7 to be replaced by a new Administrative Order to reflect revised guidelines. There was, however, opposition to the inclusion of a 100% standard for adjudication. The Board felt it was important to retain an exception for extraordinary events in a case.

The Board also recognized that State Bar Sections and Committees would respond to the proposal according to practice areas. Following are two recommendations from the Criminal Issues Initiative and the Criminal Jurisprudence and Practice Committee:

Criminal Issues Initiative (CII):

CII supports the proposed Administrative Order 2010-08. The proposed AO addresses many of the problems that a CII workgroup identified with AO 2003-7 (often referred to in the criminal context as the "rocket docket").

The need for this rule is demonstrated by members of the criminal justice system who had complaints about the Court's existing time guidelines for case disposition, which were difficult to meet and exacerbated by the closing of the Detroit Crime Lab and the subsequent increase in work to the Michigan State Police. The new proposed Administrative Order lengthens the time periods for disposition of criminal cases. The time periods for the courts to dispose of cases in the current guideline is too short and have elicited objections from both prosecuting and defense attorneys.

However, some concerns exist with the proposed changes, in particular 2(b) which requires that 100% of all felony cases be concluded in the district court within 28 days and 10, which requires that 100% of all felony cases be concluded within 301 days. The group notes that these concerns would be addressed by adding language that allows for extensions in the event of exceptional circumstances.

Criminal Jurisprudence and Practice Committee:

The committee believes the proposed changes to the time guidelines will allow Michigan courts to adopt more attainable caseload management plans, while still not sacrificing the timely administration of justice for litigants who appear before the trial courts in Michigan.

We anticipate that the Court may hear from other State Bar Sections and Committees.

We thank the Court for its publication of the proposed Administrative Order. Please contact me with any further questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Janet Welch", written in a cursive style.

Janet Welch  
Executive Director

cc: Anne Boomer, Administrative Counsel, Michigan Supreme Court  
Charles R. Toy, President